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## THE SCRIBE.

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Translated from advance sheets of *Realencykl. f. Prot. Theol. u. Kirche.* 2d Edition. Vol. XIII. Leipzig, 1884, by O. O. Fletcher.

The order of the Scribes, i. e., of the doctors of the law, first appears<sup>1</sup> among the Jews, after the Babylonish exile. At that time the authority of the law had taken the place of the authority of the king; the law, and indeed principally the Pentateuchal law, had become the absolute norm of the common life.

Ezra, whose work it was to give the law this position, bears the title סֹפֵר. (See, especially, Ez. vii., 6—סֹפֵר מֵהִיר בְּתוֹרַת מֹשֶׁה; 12, 21—סֹפֵר דָּתָא. Cf. also Neh. viii., 1, 4, 13; xii., 36; viii., 9; xii., 26.) We may conclude, partly from the former use of the word סֹפֵר, partly from the additional expressions in the places cited (particularly מְהִיר), that this title was accorded him because of his care for the restoration and dissemination of manuscripts of the law. (Cf. likewise Neh. xiii., 13—Shelemiah, the kôhên, and Zadoq, the sôphêr; and 1 Chron. ii., 55—מְשֻׁפָּחוֹת סֹפְרִים who dwelt in Yă'bêç.)

The translation of the Old Testament word סוֹפֵר is the frequent γραμματεὺς of the New Testament. Matt. ii., 4; v., 20; ix., 3; xv., 1; xvii., 10; xxi., 15; xxiii., 2 sqq.; xxiii., 34, etc.

Two other features of the Scribe's employment, which in course of time became most prominent, gave occasion for the synonymical Greek designations νομικός (Matt. xxii., 35; Lk. vii., 30; x., 25; xi., 45 sq., 52; xiv., 3; Tit. iii., 13) and νομοδιδάσκαλος (Lk. v., 17; Acts v., 34—πατρίων ἐξηγγέται νόμων Josephus, *Antiq.* xvii., 6, 2).

So far as we can judge from the Pentateuch, the Mosaic law was never a *corpus juris ecclesiastici*, answering to our conceptions of system; still less was it a *corpus juris*. And yet when this law had received its unique position, old customs, which had up to this become no more than unwritten law [Gewohnheitsrecht], could be advanced to the rank of official, statutory law; but new law, properly so called, might be no longer produced.

Then it became the main purpose to search out and interpret the letter of the written law; so to interpret it that it could find application to the present, and indeed to as many of the relations of the present as possible. Even of Ezra himself we read (Ez. vii., 10): "He had prepared his heart to seek (לִדְרֹשׁ) the law of Yahveh, and to do and teach (וּלְלַמֵּד) in Israel statutes and judgments (מִשְׁפָּט, Recht)." If we take into consideration the condition of the Torah as just mentioned, if we recall further that, from the time of Malachi, the prophetic spirit had departed from Israel, that, with the death of the generations which returned from the exile, the impulse to an independent religious life, which lay in the specific experience of divine help, was extinct, that the feeling of peculiar weakness drifted toward a slavish, literal service of God, and that the slow, but constant, change in the social and other relations made the formation of new legal axioms

<sup>1</sup> From an earlier age. Cf. Jer. viii., 8—עַם שֹׁקֵר סֹפְרִים.

requisite, we cannot be surprised that many of the interpretations of the law given by the Scribes, and more particularly by those of the later time, remind us of the Lord's denunciation of those who "strain out gnats and swallow camels" (Matt. xxiii., 24). One example in lieu of many. Let us compare the proof of the resurrection of the dead which Christ rests upon Exod. iii., 6 (Matt. xxii., 23 sqq.) with the way in which Deut. xxxi., 16 is applied in the Babylonian Talmud (Sanhedrin, fol. 90, col. 2): "The Sadducees asked Rabban Gamaliel how he would prove that God would raise the dead. He answered them: Out of the Torah; for there we find, **וַיֹּאמֶר ה' אֶל-מֹשֶׁה הִנֵּה שׁוֹכֵב עִם אֲבוֹתֶיךָ וְקָם**. They replied: But perhaps we are to join **וְקָם** with **הָעָם הַזֶּה וְיָכָה**. And immediately after we read that the celebrated authorities Jehoshua' ben Hananya and Shim'on ben Yoḥay explained the cited verse just as Rabban Gamaliel did! The Middoth, the hermeneutical rules, contributed some method, at least in appearance, to these interpretations (see my article "Hillel," PRE.,<sup>1</sup> vi., p. 115, col. 1; further, J. Hamburger, *Realencyklopædie fuer Bibel u. Talmud*, Part II., pp. 206-208; still later in PRE.,<sup>1</sup> article "Thalmud").

In the almost infinite variety of cases arising in the daily life within the civil, criminal and ritual law, new questions were constantly calling for answer. Therefore a cessation of the work of interpretation was impossible. After Jehuda hanasi had codified, in the Mishna, the interpretations which had found recognition up to the end of the second century after Christ (the oral law), the discussions of the Amoraim<sup>1</sup> were only the more zealously carried on.

To this activity of the Scribes, looking to the ascertainment of the law, an addendum forms, the purpose of which is to secure the observance of the law. In order to prevent transgression of its prohibitions, they make supplementary prohibitions, in observing which there was not left to the Israelite any possibility, much less any enticement, to become disobedient to a single statement of the written or oral law. *Pirke Aboth* (Sayings of the Fathers) i., 1: The men of the Great Synagogue said. . . . . Make a hedge about the law, **עָשׂוּ סִיג לַתּוֹרָה**. In the Talmud, *Mo'ed qaton*, fol. 5, col. 1, and *Y'bamoth*, fol. 21, col. 1, Lev. xviii., 30 is explained **עָשׂוּ מִשְׁמֶרֶת לַמִּשְׁמֶרֶת**, i. e., "Add a guard to my law."

The Scribes were, therefore, not so much theologians as jurists. Consequently we are to assume that the members of the Synedria, at least the more prominent ones, were chosen, as far as possible, from their number; compare for Jerusalem, among others, the following common expressions: "The high-priests and scribes and elders" (Mk. xi., 27, *et cet.*), "the high-priests and scribes" (Matt. xx., 18, *et cet.*).

If the Jews were to remain the people of the law, the knowledge of the law once acquired must be preserved in all coming time, and care for true tradition must be had among the succeeding generations. The pedagogic activity requisite for this purpose (especially in the earlier age when there was as yet no written Mishna) was a further essential task of the Scribes. The instruction was oral; only in particular cases was a codex of the Bible consulted. The exercise was constant repetition; hence **שָׁנָה** (repeat) signifies freely *learn, study* (*Pirke Aboth*, II., 4b; III., 7b) and *teach* (*ib.*, vi., 1). The formal statement of propositions and the holding of discussions thereupon occurred mostly in certain "houses of learn-

<sup>1</sup> [The Amoraim were the expositors of the Mishna, the oral law reduced to writing.]

ing" (בֵּית מִדְרָשׁ, יְשִׁבָּה); in Jerusalem, halls and rooms of the outer temple court were used for this purpose (cf. Matt. xxi., 23; xxvi., 55; Mk. xiv., 49; Lk. ii., 46; xx., 1; xxi., 37; John xviii., 20). Teachers (Matt. xxvi., 55) and pupils (Lk. ii., 46; Pirque Aboth, v., 15) sat; the teacher upon a somewhat elevated place (Acts xxii., 3; cf. Pirque Aboth, i., 4; Aboth de R. Nathan, 6).

The religious addresses on the sabbaths and at other times were, in no small part, by Scribes (cf. Hamburger as cited above, pp. 921 sqq., especially 924, 926). Many Scribes busied themselves likewise with the Haggada (cf. Hamburger, pp. 19-27; W. Bacher, *Die Agada der babylonischen Amoräer*, Strassburg i. E., 1878; the same author, *Die Agada der Tannaiten*, in the *Monatsschrift f. Geschichte u. Wissenschaft des Judenthums*, 1882 ff.) The Halacha was, however, the peculiar field of their professional labors.

Most of the Scribes belonged to the party of the Pharisees (cf. Mk. ii., 16, γραμματεῖς τῶν φ.; Lk. v., 30, οἱ φ. καὶ οἱ γρ. ἀντῶν Acts xxiii., 9, τινὲς τῶν γρ. τοῦ μέρους τῶν φ.), as was quite natural, from the essential character of Phariseeism; consequently they lived mostly in Judea, and especially in Jerusalem (Scribes of Galilee, e. g., Lk. v., 17). But since the high-priests were Sadducees, there must also have been Sadducæan Scribes.

The Scribes did not receive either salary or fee for their judicial or pedagogic labors. Many maintained themselves by the work of their hands (cf. Franz Delitzsch, *Juedisches Handwerkerleben zur Zeit Jesu*, 3d edition, Erlangen, 1879; S. Meyer, *Arbeit u. Handwerk im Talmud*, Berlin, 1878); many were so wealthy that they could live upon the income from their fortune; not seldom did it occur that some one entertained a Scribe, either through pity, or as a guest for a time. It was considered wrong for any one to make any profit whatever out of his acquaintance with the law: cf. Pirque Aboth, i., 13: "He who uses the crown of the study of the law for his own profit, shall perish;" Baba Bathra, fol. 8, col. 1: "In the time of a famine, Rabbi [Jehuda ha-nasi] declared that one should desire to feed those learned in the law, but not the ignorant. Then said Jonathan ben Amram, refusing to name his share in the knowledge [of the law], Feed me as thou wouldst feed a dog, a raven." But there must have been many exceptions to this commendable principle; for Jesus says (Mk. xii., 40; Lk. xx., 47) of the Scribes, "You devour widows' houses, and in pretence make long prayers;" and (Lk. xvi., 14) the Pharisees are characterized as φιλάργυροι. The fact also that the Scribes lay claim to an altogether unbecoming amount of esteem, goes to prove the supposition that the disinterestedness of the Scribes was not so universal as it seems to have been, according to Jewish sources.

LITERATURE.—A. Th. Hartmann, *Die enge Verbindung des Alten Testaments mit dem Neuen*, Hamburg, 1831, p. 384 sqq.; Gfroerer, *Das Jahrhundert des Heils*, i (1838), p. 109 sqq.; Winer, *Realwörterbuch* [in this also the older literature, as: Th. Ch. Lilienthal, *De νομικοῖς juris utriusque apud Hebræos doctoribus privatis*, Halle, 1740, 4vo]; A. Hausrath, *Neutestamentlich. Zeitgeschichte*<sup>2</sup> i, Heidelberg, 1873, p. 76 sqq.; E. Shuerer, *Lehrbuch der neutest. Zeitgesch.*, Leipzig, 1874, § 25; Ferd. Weber, *System der altsynagogalen paläst. Theologie*, Leipzig, 1880, cap. viii.—x.; also the historical works of L. Herzfeld, J. M. Jost, H. Graetz (vol. iii.), and H. Ewald.